UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,481	11/28/2001	Christy R. Martin	11345.032002	2343

22511	7590	12/07/2004

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EXAMINER
ZHOU, TING

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *7 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   The amendment filed on 7 September 2004 have been received and entered. Claim 1 has

been amended by the applicant. Claims 1-10 as amended are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

2.   Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyer et al. U.S.

Patent 6,268,849.

Referring to claim 1, Boyer et al. teach a portal comprising a display connected to the

remote terminal for displaying an arrangement of cells (displaying a program listing guide on the

computer display, connected to the computer system 100 via the Internet, or web server) (column

2, lines 23-31 and 55-57 and Figures 1 and 9), each cell comprising a visual object and an

underlying application (each cell, or grid in the program listing displays a visual object, such as

text description KNICKS VS. BULLS 43:42, shown by reference character "650" in Figure 9,

and an underlying application, or the currently running program the grid is associated with; for

example, the grid represented by reference character "650" is associated with the broadcasted

basketball game between the Knicks and the Bulls), and a user input device for inputting user

inputs to select one of the cells (users can select individual grids of program listings) (column 9,

lines 57-67 and column 12, lines 28-60), wherein the cells include one cell having at least some

characteristics determined at the broadcast center (for example, grids displaying program listings

and real-time data received from information processing facility 50 regarding events in progress

broadcast on a television channel) (column 4, lines 44-67 and column 5, lines 38-58) and another

cell having at least some characteristics determined in accordance with data stored at the terminal

(for example, cells can display data stored in the media library of the computer system 100 such

as video clips and related interviews and reviews from previously televised sporting events)

(column 4, lines 6-11 and 50-67).

Referring to claim 2, Boyer et al. teach the cells include one or more dynamically

changing cells (dynamic data received can be embedded in the corresponding televised event in

progress and therefore, dynamically changing the grids; for example, the grid KNICKS VS.

BULLS 43:42 shown by reference character "650" in Figure 9 dynamically changes as the score

of the game changes) (column 4, lines 44-67).

Referring to claim 3, Boyer et al. teach the cells include one or more context-sensitive

cells (for example, the information displayed in each grid of the display depends upon the user's

selection of how he wants to display the various program listings; for examples, the cells will display different information depending upon if the user wants to display the program listings by time, channel, etc.) (column 8, lines 50-62).

Referring to claim 4, Boyer et al. teach a method comprising receiving a plurality of programs (receiving dynamic information regarding events, or programs in progress) (column 2, lines 23-28 and Figure 9), continuously monitoring data indicative of characteristics of the received programs (monitoring the arrival of dynamic data related to program listings) (column 4, lines 44-48), generating a portal comprising cells containing current video of at least some of the received programs (receiving and displaying current, or real-time data, including video clips, of currently broadcast events such as a basketball game) (column 3, lines 1-8, column 4, lines 44-67 and column 13, lines 4-10) and organized based on the characteristics of the received programs (the program listings can be organized based on different categories the programs belong to; for example, sports, time, channel, etc. can be categories by which program listing are displayed) (column 8, lines 50-62), and dynamically re-organizing the cells when the monitored characteristics of one or more of the received programs change (dynamic data received can be embedded in the corresponding televised event in progress and therefore, dynamically redisplaying the grids; for example, the grid KNICKS VS. BULLS 43:42 shown by reference character "650" in Figure 9 dynamically changes as the score of the game changes) (column 4, lines 44-67).

Referring to claim 5, Boyer et al. teach the cells are organized based on the themes of the received programs (the programs can be displayed according to categories; for example, sports can be the category, or theme by which programs listings are displayed) (column 8, lines 50-62).

Referring to claim 6, Boyer et al. teach the cells are associated with applications (each cell is associated with an underlying application, or the currently running program the grid is associated with; for example, the grid represented by reference character "650" in Figure 9 is associated with the broadcasted basketball game between the Knicks and the Bulls).

Referring to claim 7, Boyer et al. teach the cells are organized into pages and the cells on each page are associated with received programs having common characteristics (program listings can be organized into a plurality of different pages so that each page displays programs that are of a common theme; for example, as shown in Figure 13, the user can select to display a page of program listings belonging to the "Movies" theme and the corresponding page displayed is shown in Figure 14) (column 11, lines 2-19).

Referring to claim 8, Boyer et al. teach the cells on each page are associated with received programs having the same theme (for example, the cells displayed on the page shown in Figure 14 all have the common theme of being movies) (column 11, lines 2-19).

Referring to claim 9, Boyer et al. teach the cells are organized into pages and each page has a plurality of zones of cells, the cells in each zone being associated with received programs having common characteristics (in the page displaying programs that are under the theme "Movies" shown in Figure 14, the page further has a plurality of zones, such as the time of day like "EARLY", "MORNING", etc. and the day of the month by which to display the program listings; for example, if the user selects the zone "MORNING", the received programs shown during that time period is displayed; the same is applied for displaying the movies that are shown for a particular channel) (column 11, lines 8-29).

Referring to claim 10, Boyer et al. teach the cells in each zone are associated with

received programs having the same theme (for example, the program listings displayed if the

user selects the zone "MORNING" all have the same theme of being movies shown during the

morning time period) (column 11, lines 8-29).

Response to Arguments

3.   Applicant's arguments filed on 7 September 2004 have been fully considered but they are

not persuasive.

4.   With regards to claim 1, the applicant asserts that because the television program guide of

Boyer is sent on request rather than broadcast, Boyer fails to teach the portal is connected to a

broadcast center. The examiner respectfully disagrees. The limitation of claim 1 states that

"wherein the cells include one cell having at least some characteristics determined at the

broadcast center", as recited on lines 6-7 of the claim. Boyer et al. teach dynamic information

regarding events in progress that are being televised, or broadcast; in other words, real-time

information, such as the scores of a live basketball game, broadcast on television channels are

sent to the web server, as recited in column 2, lines 34-42. Therefore, the real-time data

embedded in the cells have at least some characteristics, or data, i.e. the scores of a game,

determined by the broadcast center broadcasting the game in progress.

5.   With regards to claim 4, the applicant asserts that the system disclosed by Boyer does not

receive any programs. The examiner respectfully disagrees. The limitation of claim 4 states

"receiving a plurality of programs", on line 2 of the claim. As the applicant suggested on page 7,

line 16 of the amendment filed on 7 September 2004, Boyer teaches that the multimedia system

receives television programs, i.e. TV signals, over link 80 (column 5, lines 31-40). Furthermore,

the applicant asserts that none of the cells in Boyer include "current video of at least some of the

received programs". The examiner respectfully disagrees. The passage recited in column 4,

lines 44-67 disclose that real-time data to be displayed is received and that such real-time data

includes video clips. Therefore, the real-time data received and displayed can be actual videos,

or current videos of the event in progress.

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

     A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing
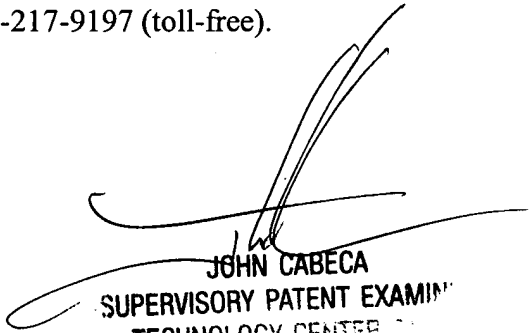
date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

23 November 2004

JOHN CABECA
SUPERVISORY PATENT EXAMIN
TECHNOLOGY CENTER